

## VILLAGE OF DUNCAN BOARD MEETING

May 12<sup>th</sup>, 2021

7:00 PM – Village Hall 906 8<sup>th</sup> Street, Duncan, NE. 68634

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The monthly board meeting of the Village of Duncan Board of Trustees was called to order at 7:00 PM by Chairperson Jeff Oppliger. The Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was held in the Village Hall. Board members present were Nick Wagoner, Steve Langton, Jeff Oppliger, Josh Dahlberg and Joe Boruch. Also, in attendance were, Village Staff: Don Reves, Marianna Evans and Michelle Schindel. Visitors present were: Todd Paczosa; Jeff Ray (JEO). The Pledge of Allegiance was recited by all in attendance. *A motion was made to approve the minutes from last month's meeting on April 12<sup>th</sup>, 2021 by Boruch, second---Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. Oppliger asked the audience if there were any non-agenda items that needed presented to the board. No visitors presented any concerns. Oppliger then continued with the scheduled agenda.

### **Old Business:**

**Storage Lights Complaint Follow Up** Oppliger stated that he had called Paczosa and Paczosa is here to speak on his own behalf whereas, there is nobody from the complaint side here. Paczosa stated that his previous readings on the strength of the lighting were accurate. He stated the Lutz measurement is an accurate measurement and varies from 8-12%. He stated that directly under a street light it was 3 Lutz whereas under one of his storage lights, it was 1.1 Lutz. He stated that his lighting does not extend beyond his property limits. Oppliger interrupted and stated that no one here is an expert on this issue and would rather not get into those details. He stated that there is always a resolution to be fair to both sides. He stated he didn't want to dismiss resident concerns but need to be mindful of businesses. Oppliger then stated that until a solution that is fair to both can be presented, there is not much else to discuss. He stated that the last meeting on this subject, shades for the lights were discussed. He stated he assumed they don't make those and would have to be fabricated. He stated that it doesn't seem to be an easy fix or Paczosa would do it. Dahlberg stated that the lights do not seem as bright as they first did. He stated upon driving around town the last few months, he does feel that the lights seem as bright. He stated that it is just his opinion and that he does not live near them, nor is he one of the complaints. Oppliger stated that it has been dark over there forever and now it is not. He stated that people will eventually get used to the lights. He stated that the future is LED lights and soon we will have all LED street lights as well. He stated that is a risk you take when you buy property right next to commercial property. Reves corrected that the storage units were not on commercial property but on agricultural. Wagoner asked what the answer is for the residents who have complained. Oppliger stated that we need a solution. Wagoner stated that the residents have told him there is no point in complaining anymore because the board is not doing anything about it anyway. Evans reminded the board that at the last meeting on this subject, it ended with Paczosa agreeing to look into some kind of shades to apply to the lights. And, then Paczosa had stated that he would speak with his contractor about the shades. Evans asked Paczosa if he had, in fact, talked to his contractor. Paczosa stated that Oppliger had already addressed that earlier. Evans stated that he did not verify if Paczosa talked to his contractor about shades and if they would be possible. Paczosa stated that he would not be putting any shades on the storage lights. He stated that it would void his warranty. He then stated that he 'does not like stupidity'. He stated that those people who are complaining can go buy some room darkening shades as the solution to this problem. Oppliger stated that either the complainers or Paczosa would have to spend some money to get shades for this issue. Wagoner asked what the board's next steps would be to move ahead on this. Oppliger stated that we could levy a fine for a violation. Reves stated that there is no ordinance for this. Evans stated that the board would have to declare it a nuisance and then would have to speak to our attorney about what steps to take next. Wagoner stated he would like to move ahead and declare and speak to our attorney. *Wagoner motioned to declare the storage lights a nuisance and talk to our attorney. There was no second on that motion.* Boruch stated that we better be careful because we may be scaring off other potential businesses. Langton stated that if a resident comes to us about the lights, to tell them to come to a meeting and present a solution.

**Farmer's Market** Reves stated that he and Wagoner got together to discuss and are having Wagoner's wife make a flyer and that they are wanting to get posters/banners to place on the highway so that cars driving each direction would be able to see. Wagoner stated that the sign would be \$150 for a 24x30. He stated that the one to put on the pole on the corner of the highway would be twice that size. He stated that the 2 signs total would be \$280 through Scheiffer Signs. Reves stated that he will give Gary Schlesinger flyers to hand out when he hands out his Ribfest flyers. Boruch suggested looking into radio ads. *A motion to approve up to \$300 for the signs was made by*

*Wagoner, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.*

**Proposed Occupation Tax for Liquor Licenses** Evans reminded the board that at the last meeting, they had voted to raise the total paid for liquor licenses from \$300 to \$350. Which would make a \$50 occupation tax for both the bar and AJ's. However, Evans has since found out that AJ's have been paying \$300 when they should have only been paying \$200, since they only have a Class D liquor license. The bar has a Class C license and is charged \$300 per the liquor commission which then goes to the public school of your district. Evans stated that it has been that way since she started. Evans stated that the only difference between the two classes is that D cannot serve alcohol inside the establishment. It must be bought and taken away to be consumed. Whereas the bar can sell liquor as well as serve it inside the establishment. After clearing that up, Evans asked if the board would like to add \$50 to each establishment as the tax or make them both pay \$350 total for their liquor licenses. *A motion to create an occupation tax of \$50 was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.*

#### **New Business:**

**Blight Declaration Public Hearing** Oppliger recognized that Reves (P&Z representative) was present and that the proof of publication was in hand. *A motion to open the public hearing for the Blight Declaration was made by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.* Oppliger asked if there were any questions or comments on the blight study. He recognized there were no residents in the audience and no board member presented anything. Ray (JEO) presented to the microphone and stated that he was the engineer who completed the study last year. He handed out his report to each board member and left copies in the back of the room for anyone attending. He stated that the Nebraska Community Development Law will allow us to be eligible for grant funding for TIF and downtown CDBG grants. He stated that once the blighted area is declared, we would have a re-development plan to rectify and implement. He reported that in his study, he found that the roads were a bigger issue. He stated that we have gravel roads in some places. And, there is a lack of sidewalks along roads. He stated that are community is bisected by a highway. He stated that any building that is over 40 years old, is considered blighted. That pretty much covers most of the buildings in Duncan. He stated that his study also found potential hazards around town such as: debris, erosion, standing water and age of structures. He stated that any buildings that were built in the '70's, has a possibility of having lead in it. Ray stated that he would recommend declaring the entire community blighted and substandard as it had scored high in the study. Oppliger asked Ray how long the study is good for. Ray stated that it is good for as long as you want but, the DEE can request a study that is less than 10 years old or you may have to re-certify after 10 years. Ray gave some examples of other towns and what they typically did for all of this. He stated that you cannot receive grant funding for projects that have already been completed. Only for future projects. He stated that some examples for use in Duncan would be: new windows for downtown buildings, new sidewalks, street lighting, adding outlets on light poles, roads, storm drains, streetscapes (ex. Trees) and anything to bring a new business to town. Oppliger asked who determines where downtown is considered. Ray stated that the board does. Ray recommended that the board declare the entire community blighted and substandard. No further questions or concerns from anyone present. *A motion to close the public hearing was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. A motion to approve and pass Resolution 21-250 (Designation of Entire Area of the Village as Blighted and Substandard) was made by Dahlberg, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.*

**Ribfest Liquor License Proposal** Evans reported that she had received a written request from Gary Schlesinger to the Village, for approval of a Special Designated Liquor License for his Ribfest celebration weekend. The board members had a copy to view at their tables. She stated that it is the same request as every year in the past. *A motion to approve Gary Schlesinger to apply for a SDL from the Nebraska Liquor Control Commission for the dates of June 26<sup>th</sup>, 2:00pm-1:00am and 27<sup>th</sup> 10:00am to 5:00pm was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.*

**Ribfest Street Closure Proposal** Evans reported that Gary Schlesinger had also put in a written request with a drawing to the board for the proposal of closing down the streets as every year in the past from June 25<sup>th</sup>-June 27<sup>th</sup> for the purpose of his Ribfest celebration. *A motion to approve closing down 1 ½ blocks of 8<sup>th</sup> street west of Main Ave. and 1 block south & ½ block north of 8<sup>th</sup> Street on 10<sup>th</sup> Ave. from June 25<sup>th</sup>-June 27<sup>th</sup> was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.*

**Town Clean Up Day** Wagoner brought attention to designate a certain day or weekend for cleaning up properties to get the town looking well for the 150<sup>th</sup> celebration, as well as Ribfest. Oppliger stated that Duncan Lakes have a clean up day where trash containers are provided etc. Reves stated that we have had this in the past but he spent hours separating junk that was put into the wrong containers. Dahlberg suggested to have someone at the containers to ‘patrol’ them and guide people to the correct container based on what they had to throw away. He stated that people could take shifts. It was suggested to have a container for garbage, one for metal and one for tires. The board discussed sending letters to residents with wrecked/abandoned vehicles on their property. The board decided to have this on June 19<sup>th</sup>. Oppliger asked Reves to contact someone to get bids on the roll offs. He stated we could add a ‘save the date’ type ad on the website and as we get closer, we could get more detailed.

**Lower Loup Natural Resources District Hazard Mitigation Plan Representative Nomination** Evans reported that she had received an email that this plan was being updated and new towns could join. She stated that it started in 2012 and was updated in 2017 but does not remember hearing anything about it at that time. Dahlberg agreed and stated he had known nothing about it either. Dahlberg volunteered to be Duncan’s representative and would do the 2 hour meeting that is required to participate. Evans explained that only Monroe and Columbus are part of the Platte County district. She stated that it would give us more opportunity and resources in case of any disaster in Duncan. *A motion to nominate Dahlberg as the LLNR district mitigation plan representative was made by Wagoner, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

### **Departmental Reports:**

**Utilities** Reves reported that Obrist is currently working on putting a new manhole in 9<sup>th</sup> street. He stated that it had planned to do for a long time and other projects kept us busy, but he felt it should get done prior to the streets being resurfaced. Reves also asked Evans to add as an agenda item for June for the board to vacate the alley in the new Lloyd subdivision. He reported that the ball diamond concession stand and shed have gotten their new roofs recently. He reported that the dip is complete now and he added some asphalt to the holes on either side but that has only made it easier for the trucks to fly over even more. He reported on 5<sup>th</sup> street and 5<sup>th</sup> avenue and stated the welding slag seemed to work very well and that he had heard very good things about the slag. He stated he had John Massman spread it out with our boxscraper due to himself being busy with other projects and Thaine Saunders was unavailable. Oppliger mentioned an invoice received from Kathy Slusarski for work she had done on 5<sup>th</sup> ave. He stated that Slusarski owns the road. Reves stated that there was a contract between Slusarski’s and the Village a long time ago for the Village to maintain that road due to the drainage that runs onto her property. Evans reported that Slusarski brought the invoice to her and asked her to present it to the board for approval. Evans reported that she had not done that in the past, since she has been working here. Oppliger stated what she charged for and asked if she had spoken with anyone prior to doing the work. No one admitted knowing anything about it. Oppliger stated that we had planned to do the welding slag on that road and that Slusarski will need to get board approval prior to completing any work that she plans to bill us for. No further discussion

**Parks & Rec.** Oppliger asked about the ballfield outfield fence being replaced. Reves stated that will replace it in a year or so to make more permanent but have added some height.

**Concession Stand** Oppliger and Dahlberg stated that they discussed a strategy and need to find volunteers to run the stand. They stated it is really hard to find volunteers to do shifts. So, they started talking to people about possibly running the stand as their own private business. They decided to let Shelly Stempek take over running the concession stand and keep all profits. They reported that Shelly had suggested she would give the Village a donation each year. Evans asked if they produced any kind of written contract or amount of the yearly donation. Oppliger stated they had not. *A motion to approve Stempek to run the concession stand as her own business was made by Dahlberg, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. Dahlberg stated that a valve under the sink in the concession stand was leaking. Reves reported that it only drains into a bucket and that there is no sewer line there. Dahlberg mentioned that the ball diamond will also start paying for a \$45/month dumpster during ball season. Reves reported that the Village has put over \$5,000 into the ballfield so far this year. Evans asked about the old park equipment that was supposed to be set up behind the outfield fence. Reves stated it has all been laying up at the water treatment property since it was removed from the park. He stated there is a teeter-totter, bench swing and swingset. Dahlberg stated that he thought the church wanted to put it closer to the church. Boruch asked about the trees to be planted across the street from the Village. Reves stated that Travis Stempek said that it would be soon.

**Ballfield Contract** Each board member had a copy of the ‘ballfield rules’ list that was created last year. Boruch suggested it was fine without the concession paragraph in there and the fees. The board agreed. Evans reported

there is no contract besides the original short and simple one that Nick Larsen signed stating they would take care of the ballfield etc. Dahlberg asked if we had a copy of Larsen's insurance yet. Evans stated that she would check.

**150<sup>th</sup> Committee Report** Oppliger reported that they are finalizing the brochure and that all the advertisers are in. He reported we are receiving the grant money for advertising and that there is a sign up at AJ's now, under the gas price sign. He stated he is working on redoing the Village Hall sign to include a background picture of downtown Duncan in its first form. Reves showed the board the sample of the type and color of stucco that we will have put on the west side of the building soon. He is unsure when it will be done. Oppliger stated that they will have a commemorative rifle fundraiser where one can buy raffle tickets to win the rifle. He stated that there are 10 that are pre-sold already.

**Planning & Zoning** Reves stated that they will have a public hearing on May 27<sup>th</sup> for the preliminary plat of the new subdivision. He stated he has requested a resident fill out a permit due to beginning to install a well.

**Clerk Report** No report

**Treasurer Report & Updates—Approval of Bills** Schindel handed each board member a monthly recap of the bills. She reported a street bond payment of \$25k plus interest. She stated that based on the previous report on the concession stand that she would drop the Sam's Club membership. Oppliger and Dahlberg agreed. No questions or concerns noted. *A motion to approve the bills as recorded for April was made by: Wagoner, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

All meetings are open to the public and a current agenda for said meetings will be posted and available for public inspection at the office of the Village Clerk, Post Office, AJ's C-Store and the Village website on the Thursday prior to the meeting. The next monthly meeting will be on **Monday, June 14, 2021 at 7:00 PM**. Being no other business, adjournment was made by Oppliger at 9:08 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)